

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 06037**, from County B Business District to City H-3 Highway Commercial District, requested by the Director of Planning, on property generally located approximately 850 feet south of the intersection of South 134<sup>th</sup> Street and "O" Street.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 06/07/06  
Administrative Action: 06/07/06

**RECOMMENDATION:** Approval (9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes').

### **FINDINGS OF FACT:**

1. This is a request by the Director of Planning to rezone property from County B Business to City H-3 Highway Commercial on approximately 2.8 acres now located within Lincoln's zoning jurisdiction.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that due to recent annexations, Lincoln's zoning jurisdiction has expanded, and the Zoning Ordinance directs the Planning Director to change the zoning from the existing county designation to the most similar city designation. The H-3 district is the most equivalent to the existing zoning and also allows the uses, either proposed or under construction. When the zoning was changed from AG to County B in March of 2005, the owner stated that he was requesting the zone change to allow mini-storage.
3. On June 7, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On June 7, 2006, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** June 12, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** June 12, 2006

**REFERENCE NUMBER:** FS\CC\2006\CZ.06037

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 7, 2006 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone #06037

**PROPOSAL:** Change from county B business zoning to city H-3 Highway Commercial zoning on land now within Lincoln's zoning jurisdiction.

**LOCATION:** Approximately 850' south of the intersection of South 134<sup>th</sup> and "O" Streets.

**LAND AREA:** Approximately 2.8 acres.

**EXISTING ZONING:** County B Business

**CONCLUSION:** Due to recent annexations, Lincoln's zoning jurisdiction has expanded, and the Zoning Ordinance directs the Planning Director to change the zoning from the existing county designation to the most similar city designation. The H-3 district is the most equivalent to the existing zoning and also allows the uses either proposed or under construction.

<b>RECOMMENDATION:</b>	Approval
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## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 48 located in the NW1/4 of Section 28, T10N, R8E, Lancaster County, Nebraska.

## **EXISTING LAND USE:**

### **SURROUNDING LAND USE AND ZONING:**

North:	Agricultural	AG Agricultural
South:	Acreages	AG Agricultural
East:	Acreages	AG Agricultural
West:	Agricultural	AG Agricultural

## **HISTORY:**

**March 29, 2005** - County Change of Zone #04087 was approved by the Lancaster County Board changing the zoning from AG Agriculture to B Business.

**May 8, 1979** - The zoning changed from AA Rural and Public Use to AG Agriculture with the 1979 zoning update.

## COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Land Use Plan identifies this property agricultural.

### ANALYSIS:

1. This is a request by the Planning Director to rezone property from the county B Business to the city H-3 Highway Commercial district.
2. The City of Lincoln has zoning jurisdiction over the unincorporated areas within three miles of its corporate limits. When additional property is annexed into the city, this 3-mile limit expands accordingly. Once the 3-mile limit envelops land that is within county jurisdiction, the zoning ordinance directs the Planning Director to rezone those properties with the appropriate city zoning classification.
3. The majority of the new area that falls within Lincoln's jurisdiction is zoned AG Agricultural or AGR Agricultural Residential. These two districts are identical in the county and city, so no change to these properties is needed.
4. The zoning on this site was changed from AG to B on March 31, 2005. During the public hearing before the County Board the owner stated he was requesting the zone change to allow mini-storage. The concept plan showed a 35,000 square foot facility with approximately 214 storage bays ranging in size from 5' x 10' to 15' x 45'. The attached site plan modifies the original slightly, and appears to show the largest storage bays increased in size to approximately 15' x 60' to accommodate recreational vehicles and motor coaches.
5. The most equivalent and least intensive zoning district that allows both mini-warehouses and warehouses without size limitations upon individual storage bays is the H-3 district. The range of all allowed uses between county B and city H-3 districts is generally similar. The required setbacks increase slightly with H-3 and are as follows:

	<u>County B</u>	<u>City H-3</u>
Front	30'	20'
Side	0'	15'
Rear	0'	30'

6. The Zoning Ordinance requires the Planning Director "to initiate a change of zone to the appropriate city zoning classification closest in use and area regulations to the previous county zoning." This includes selecting a district that not only accommodates the existing uses but does not create any that are nonconforming. The H-3 zoning district is appropriate for this site.
7. The County Assessor's records indicate that the original Lot 38 has been split into Lots 48 and 49. This requires an approved County Subdivision Permit approved by the Planning Director. The owner is advised to contact the Planning Department for more information on how to apply for a subdivision permit.

Prepared by:  
Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
May 24, 2006

**Owner:** Rudolph Strnot  
7301 Briarhurst Street  
Lincoln, NE 68506

**Applicant:** Marvin Krout  
Director, Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508  
402.441.7491

**Contact:** Brian Will  
Planner, Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508  
402.441.6362

## CHANGE OF ZONE NO. 06037

### CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

### BEFORE PLANNING COMMISSION:

June 7, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06037; SPECIAL PERMIT NO. 06033; ANNEXATION NO. 06010; and PRELIMINARY PLAT NO. 06007, GALE ADDITION.**

Ex Parte Communications: None.

**Item No. 1.3a, Annexation No. 06010, and Item No. 1.3b, Preliminary Plat No. 06007,** were removed from the Consent Agenda and scheduled for separate public hearing. Carroll moved to approve the remaining Consent Agenda, seconded by Strand and carried 9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 06033, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2005 aerial

## Change of Zone #06037 134th & O Streets

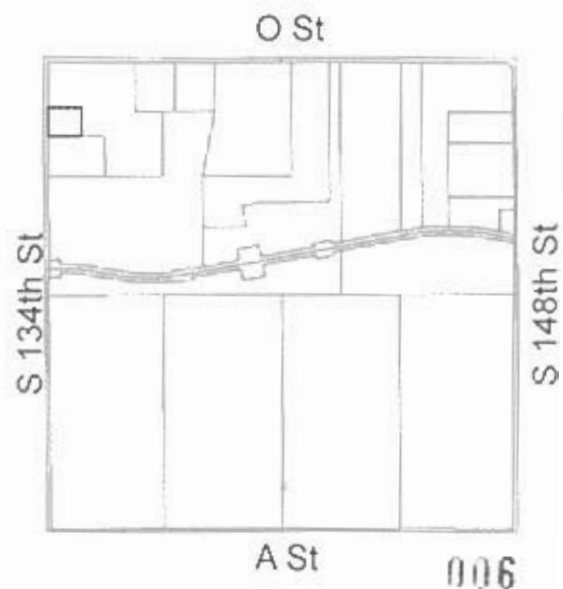
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
I-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 28 T10N R8E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



1. Property Owner:  
PARKER-HANNIFIN CORPORATION  
6035 PARKLAND BLVD  
CLEVELAND OH 44124-4141  
216.896.3000

Legal Description:  
LOTS 31, 49 & 50 SW1/4 21-10-8

2. Property Owner:  
SKODA DEVELOPEMENT CO  
14030 O ST  
LINCOLN NE 68520  
489.9027

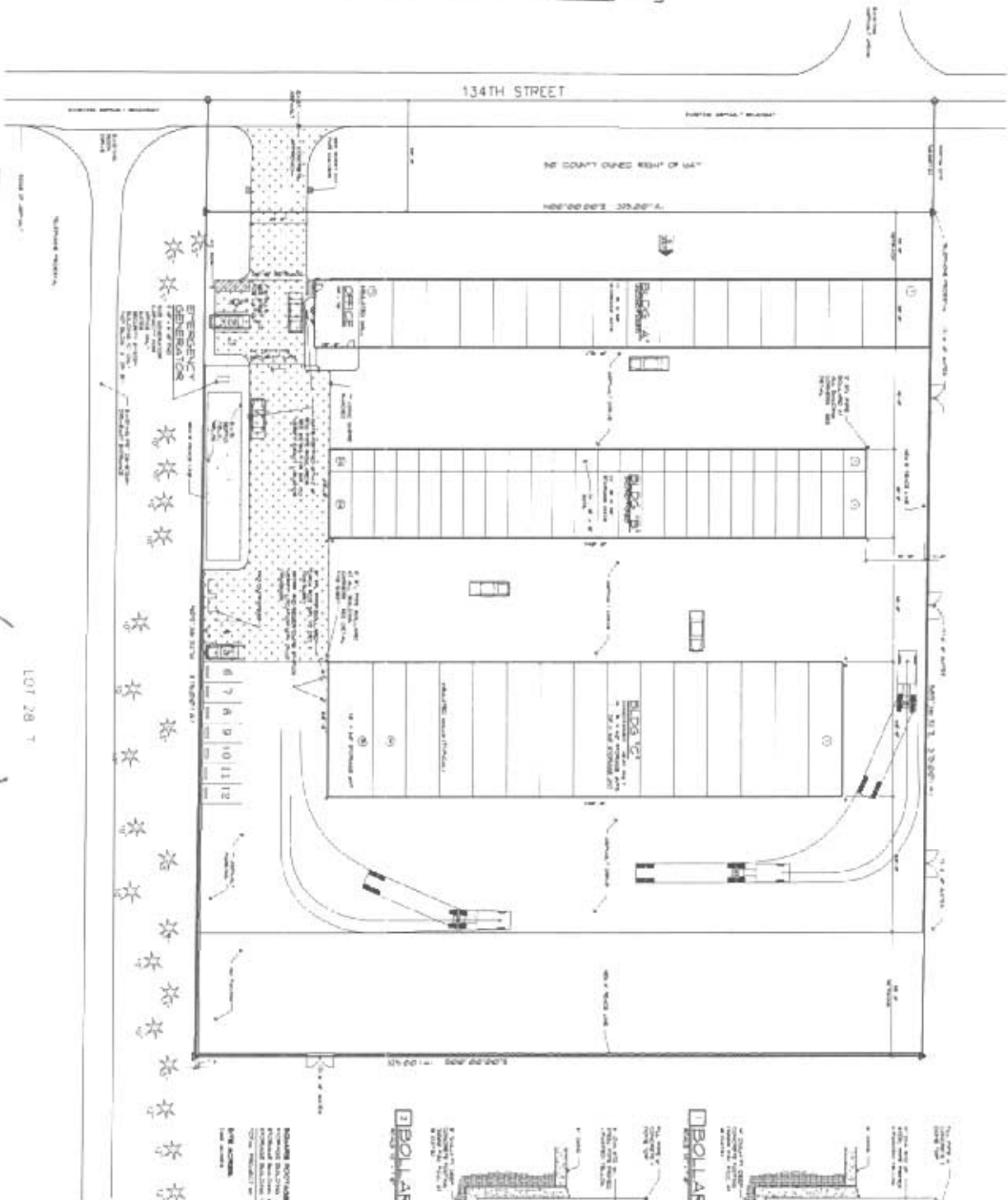
Legal Description:  
LOT 33 SW 21-10-8

3. Property Owner:  
STRNOT, RUDOLPH JR  
7301 BRIARHURST ST  
LINCOLN NE 68506  
489.8957

Legal Description:  
LOT 48 NW 28-10-8



RECEIVED  
MAY 26 2006  
LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT



BOLLARD DET

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